UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JEANETTE F. MELICHAR,)
Plaintiff,))
v.) Civil Action No. 4:09CV244 HEA
MICHAEL J. ASTRUE, Commissioner of Social Security, Defendant.))))

ORDER

This matter is before the Court pursuant to Plaintiff Jeanette F. Melichar's Motion for Attorney's Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. In support of Plaintiff's request, Plaintiff submitted an itemized statement of time spent by her attorney in the proceedings before this Court. See Plaintiff's Exhibit 1.

By Memorandum and Order, dated October 20, 2009, this Court reversed the decision of the Commissioner of Social Security finding that no overpayment had occurred pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security disability benefits may recover attorney's fees if he or she receives a "sentence four" remand. See Shalala v. Schaefer, 509 U.S. 292, 295-96 (1993). Because Plaintiff prevailed and is not otherwise precluded from receiving attorney's fees, this Court finds that she is entitled to attorney's fees in the amount of \$4,025.38.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Attorney's Fees is GRANTED.

IT IS FURTHER ORDERED that Defendant Commissioner of Social Security pay attorney's fees in the amount of \$4,025.38, and that the award be made payable to Gateway Legal Services, Inc.

Dated this / b day of Fehrey, 2010.

United States District Judge